Division Bench[2]

(2) (4)

CF 1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT APPEAL NO.....23...../2007

APPELLANT : Ku. Malti Yadav, aged about 52 years, D/o. Shri Roopchand Yadav, Occupation - Upper Division Teacher, Mata Rukmani Sewa Sansthan, Kanya Aashram, Mutanpal, District Bastar (C.G.)

P.R. No. 930/12
Presented by Anjla Singh
dated 3/2/12

VERSUS

RESPONDENTS :1. State of Chhattisgarh, Through : The Secretary, Schedule Caste/Schedule Tribe & Backward Classes Welfare Department, D.K.S. Bhawan, Raipur (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG 03/07/12 Bilaspur Chhattisgarh

2. Collector, Tribal Department, District – Bastar (C.G.)

3. Mata Rukhamani Seva Sansthan, Dhimarapal, District Bastar (C.G.)

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4. Secretary, Mata Rukhamani Seva Sansthan, Dhimarapal, District Bastar (C.G.)

WRIT APPEAL UNDER CLAUSE 157 (10) (a) (2) OF CHAPTER XI OF HIGH COURT OF CHHATTISGARH RULES, 1995 - 2005

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HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

Coram : **Hon'ble Shri H.L. Dattu, CJ &**
Hon'ble Shri V.K. Shrivastava, J

WRIT APPEAL NO. 23 OF 2007

APPELLANT Ku. Malti Yadav,

Versus

RESPONDENTS State of Chhattisgarh and others.

Present :

Shri D.R. Sharma, Sr. Advocate with Shri B.D. Badgaiyan, counsel for the petitioner.

Shri Prashant Mishra, Addl. Advocate General for respondents No. 1 and 2.

None for other respondents.

ORAL ORDER

(Passed on 28th February, 2007)

The following oral order of the Court was passed by

H.L. Dattu, C.J.

Appellant before us was appointed as Assistant Teacher/Upper Division Teacher in aided institution. There was a revision of pay scale some time in the year 1995. Since the benefit of revision of pay scale was not given to the petitioner, she had approached this Court by filing a petition sometime in the year 2006. Learned single Judge had rejected the writ petition solely on the ground of delay and laches on the part of the petitioner in approaching this Court merely after 11 years from the date of notification issued by the Central Government.

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2) The discretionary jurisdiction of this Court cannot be extended to a person who slept over her right. There is no explanation much less reasonable explanation by the petitioner in approaching this Court for implementation of the benefit of the notification merely after 11 years from the date of issuance of the notification.

3) In our opinion, the delay in filing the petition by the petitioner is fatal to the proceedings. Therefore, the learned single Judge had rightly rejected the writ petition. We do not see any error in the orders passed by the learned single Judge which would call for interference by us. Accordingly the writ appeal is rejected.

Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge